

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILD FISH CONSERVANCY, et al.,

Plaintiffs,

v.

NATIONAL PARK SERVICE, et al.,

Defendants.

CASE NO. C12-5109 BHS

ORDER DENYING PLAINTIFFS'  
MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Plaintiffs Federation of Fly Fishers Steelhead Committee, Wild Fish Conservancy, Wild Salmon Rivers, and Wild Steelhead Coalition's ("Plaintiffs") motion for reconsideration (Dkt. 215).

On March 26, 2014, the Court granted in part Plaintiffs' motion for summary judgment concluding that the Environmental Assessment ("EA") issued by NMFS on December 12, 2012 was inadequate. Dkt. 191. On May 19, 2014, Plaintiffs filed the instant motion requesting that the Court vacate two agency actions including the inadequate EA. Dkt. 200. On July 31, 2014, the Court granted the motion as to the EA,

1 but denied the motion as to an Incidental Take Statement ("ITS"). Dkt. 211. On August  
2 7, 2014, Plaintiffs filed a motion for reconsideration. Dkt. 215.

3 Motions for reconsideration are governed by Local Rule CR 7(h), which provides  
4 as follows:

5 Motions for reconsideration are disfavored. The court will ordinarily  
6 deny such motions in the absence of a showing of manifest error in the  
7 prior ruling or a showing of new facts or legal authority which could not  
8 have been brought to its attention earlier with reasonable diligence.

9 Local Rule CR 7(h)(1).

10 In this case, Plaintiffs argue that the Court should reconsider its decision not to  
11 vacate the ITS. Dkt. 215. The Court initially rejected Plaintiffs' argument because it  
12 concluded that it didn't have legal or equitable authority to set aside an action that was  
13 otherwise in accordance with law. Plaintiffs clearly failed to address this issue of the  
14 ITS's dependence on the EA during the liability phase of this proceeding. Requesting  
15 such a dispositive ruling now is untimely, inappropriate, and prejudicial to Defendants.  
16 Therefore, the Court **DENIES** the motion for reconsideration.

17 **IT IS SO ORDERED.**

18 Dated this 12th day of August, 2014.

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20 BENJAMIN H. SETTLE  
21 United States District Judge  
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